

**ROSEBUD SIOUX TRIBAL COUNCIL
MEETING MINUTES
DECEMBER 30, 2003**

Chairman Charles Colombe called the meeting to order at 10:20 a.m. Roll call was taken with fourteen (14) council representatives answering thereby constituting a quorum.

They were as follows:

Darrell Herman	Steve Denoyer Jr.	Darrell Marcus
Rick Young	Willard Henry	Patsy Valandra
Darlene Metcalf	Robert Becker	Robert Shot
Rodney Bordeaux	Lenard Wright	Ken LaDeaux
Russell Eagle Bear	Glen Quick Bear	

Council representatives entering after roll call:

Wayne Boyd	Jo Colombe	Marion Young One Star
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Council representatives who were absent:

Heather Burnette	Eddie Farmer	Cliff Chasing Hawk
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Other officers present: Vice Chairman Norman Wilson, Secretary Gerri Night Pipe, Treasurer James Wike and Sergeant At Arms Glen Yellow Eagle.

INVOCATION – Russell Eagle Bear gave the invocation.

POLICE DEPARTMENT – Chairman Colombe announced that they weren't able to set up the drug testing for the council and officers with the Police Department; and that it will be coordinated with a later date.

Captain Eno was given the floor to address the concerns of the violence and drug use in the communities. They will be putting more men in force starting tomorrow morning to deal with the New Years Eve activities. The floor was given to tribal members to voice their concerns about law and order. The council also discussed the evaluation of the police department, the role of diversion officers, training and psychological testing for the police officers.

TLE – Ben Black Bear was given the floor to address a situation where a family is requesting a burial on a TLE assignment. The family called the Chairman and he gave his okay, then contacted the BIA and they also gave their okay but after they checked the CFR and found out that since it was an assignment they referred it to TLE. They met with the family and explained the circumstances and if they still wanted to do that then they would have to get approval from the individual who has the assignment and the Tribal Council for burial approval. Discussion.

**RSTC MEETING MINUTES
DECEMBER 30, 2003
PAGE 02**

Motion by Willard Henry to approve the request from the family to bury on the TLE assignment. Seconded by Lenard Wright. Questioned by Ken LaDeaux. Vote: 13 for, 02 opposed, 02 not voting. MOTION CARRIED

LUNCH BREAK AT 12:05 A.M./BACK INTO SESSION AT 1:15 P.M.

BIA – Superintendent Joann Young informed the council that the Tribe can contract training for the police officers with an instructor and the cost would be anywhere from \$4-5,000.00. Discussion was held on sending officers to Artesia, training with the state and contracting for training.

Ms. Young distributed a Deputation Agreement between the BIA and the Rosebud Sioux Tribe for the council to review. She explained that this was an old agreement which was approved only for the CI Division but now they want it for all the officers. Steve Denoyer Jr. asked that the Chairman refer this to Terry Pechota for review because this is getting into jurisdiction.

The council discussed the Chief of Police position and requesting IPAing a BIA officer to fill this position. Ms. Young gave the names of some Tribal members who are officers who could be IPA'd to Rosebud.

Motion by Russell Eagle Bear to authorize and direct the administration to work with the superintendent to do the reviews and work on the process to IPA a Chief of Police at Rosebud and bring it back to the January council meeting. Seconded by Jo Colombe. Questioned by Steve Denoyer Jr. Roll call vote requested by Rick Young. 14 Voting Yes: Darrell Herman, Steve Denoyer Jr., Wayne Boyd, Jo Colombe, Patsy Valandra, Darlene Metcalf, Marion Young One Star, Robert Becker, Robert Shot, Rodney Bordeaux, Lenard Wright, Ken LaDeaux, Russell Eagle Bear, Glen Quick Bear. 01 Voting No: Rick Young. 0 Abstained. 05 Absent: Heather Burnette, Eddie Farmer, Darrell Marcus, Willard Henry, Cliff Chasing Hawk. MOTION CARRIED

Motion by Russell Eagle Bear to have our tribal attorneys (Terry Pechota, Dana Hannah and Steve Emery) review the Deputation Agreement and have something back in three weeks. Seconded by Jo Colombe. Questioned by Steve Denoyer Jr. Vote: 15 for, 0 opposed, 02 not voting. MOTION CARRIED

Motion by Steve Denoyer Jr. to direct the Chairman to write a letter to the BIA requesting technical assistance on drug trafficking and a review of the current statistics. Seconded by Marion Young One Star. Questioned by Ken LaDeaux. Vote: 17 for, 0 opposed, 01 not voting. MOTION CARRIED

**RSTC MEETING MINUTES
DECEMBER 30, 2003
PAGE 03**

Motion by Darrell Marcus that the Attorney General participate in the council sessions as set forth in a memo from the past President and as policy set forth by the Tribal Council and that the council concur with tribal business and that Terry Pechota represent the Rosebud Sioux Tribe for legal contracts, opinions and policies and procedures. Seconded by Russell Eagle Bear. Questioned by Willard Henry. Vote: 09 for, 01 opposed, 07 not voting. ***MOTION CARRIED**

Motion by Russell Eagle Bear to have the Vice President and Treasurer review all the attorney and lobbyist contracts with a dollar amount and what kind of contracts we have with them and bring back a report to the Tribal Council at the next meeting. Seconded by Darrell Marcus. Questioned by Rodney Bordeaux. Vote: 16 for, 0 opposed, 01 not voting. **MOTION CARRIED**

*For the record, Marion Young One Star withdrew her vote on the motion because she is in a lawsuit where Terry Pechota is the other party.

BREAK AT 2:50 P.M./BACK INTO SESSION AT 3:05 P.M.

THERESA ARCHAMBAULT HONORING – After Steve Emery sang an honor song, President Colombe presented a Certificate of Appreciation to Theresa Archambault for her twenty years of service as an employee at the SD Department of Social Services. Theresa, her daughter Ida and co-worker Wilma Janis shook hands with the council.

TRIBAL RANCH – Steve Denoyer Jr. stated that he had asked that the Tribal Ranch manager be here to give a report. Chairman Colombe stated that he had asked that a call be given to the manager but didn't know if they were able to reach him, but he was here at 11:00 this morning when he was asked to be here. Cheryl Jones, Property and Supply manager was asked to come in and at which time she distributed copies of her report.

Motion by Jo Colombe to go into executive session with Cheryl Jones. Seconded by Willard Henry. Questioned by Robert Shot. Vote: 06 for, 10 opposed, 01 not voting. **MOTION DEFEATED**

Cheryl Jones addressed the inventory report that she had compiled on the Tribal Ranch and stated that she had given the last inventory to President Kindle and left it up to his discretion as to what he wanted to do with it as he was the supervisor of the Ranch Manager. She had found one of the horses that was missing and when she went to the individual who had it, he literally threw her off his land. She wrote it up and gave the report to Mr. Kindle and he said he was going to handle it. The council discussed the horses that were in old Ring Thunder and not being taken care of; and also the missing livestock and equipment that were inventoried.

RSTC MEETING MINUTES
DECEMBER 30, 2003
PAGE 04

Motion by Darrell Marcus to have this brought back and evaluated at the January council meeting and to look into re-establishing or continuing with the liquidation of the Tribal Ranch and with a recommendation from the Tribal Administration. Seconded by Jo Colombe. Questioned by Darlene Metcalf. Vote: 17 for, 0 opposed, 0 not voting. MOTION CARRIED

Motion by Jo Colombe to direct the Property and Supply Manager to work with the Chairman and the Treasurer to come up with a job description for an Inventory Research Specialist and a plan of action and take it to the Budget & Finance Committee. Seconded by Russell Eagle Bear. Questioned by Steve Denoyer Jr. Roll call vote requested by Jo Colombe. 06 Voting Yes: Wayne Boyd, Jo Colombe, Darrell Marcus, Robert Shot, Lenard Wright, Russell Eagle Bear. 06 Voting No: Steve Denoyer Jr., Willard Henry, Marion Young One Star, Rodney Bordeaux, Ken LaDeaux, Glen Quick Bear. 05 Abstaining: Darrell Herman, Rick Young, Darlene Metcalf, Robert Becker. 03 Absent: Heather Burnette, Eddie Farmer, Cliff Chasing Hawk. Chairman Colombe broke the tied vote and voted in the affirmative. MOTION CARRIED

Discussion was held on doing inventory. Cheryl Jones explained that she has to also work on insurance for the tribe and that there is a position in the Finance Policy and Procedures Manual for an Insurance Clerk but it hasn't been filled.

Motion by Rick Young to recommend that the Chairman get with Freda Heinert and fill these positions and upgrade the Finance Department. Seconded by Patsy Valandra. Questioned by Ken LaDeaux. Vote: 15 for, 0 opposed, 02 not voting. MOTION CARRIED

Motion by Russell Eagle Bear to supercede any motions in reference to the Tribal Ranch from this day forward and that we hire an temporary administrator; and to start up the process of getting all the paperwork together to take it to court and to have a solid case. Seconded by Lenard Wright. Questioned by Darrell Marcus. Vote: 15 for, 0 opposed, 02 not voting. MOTION CARRIED

PRESIDENT'S ORGANIZATIONAL CHART REVIEW – Chairman Colombe distributed a draft of a proposed organizational chart and a job description for a Tribal Attorney which would be a part of his cabinet as outlined in the chart. Discussion was held on the chart and Tribal Attorney job description.

Motion by Jo Colombe to accept the job description for the Tribal Attorney and the Cairman's choice as Steve Emery as a member of the cabinet; and that his contract be brought back to the Tribal Council for approval. Seconded by Wayne Boyd. After

RSTC MEETING MINUTES
DECEMBER 30, 2003
PAGE 05

discussion on funding and not having a contract for review, Wayne Boyd withdrew his second.

BREAK AT 6:52 P.M SO MR. EMERY COULD LOOK FOR HIS
CONTRACT/COUNCIL WENT BACK INTO SESSION AT 7:05 P.M.

Motion by Russell Eagle Bear that we resurrect the In House Attorney (position) with the Tribal Attorney job description; and advertise and bring it back to the Tribal Council for approval. Seconded by Steve Denoyer Jr. Questioned by Willard Henry. Vote: 13 for, 02 opposed, 01 not voting. MOTION CARRIED

EDUCATION COMMITTEE – Motion by Rodney Bordeaux to present Resolution 2003-311 as emergency legislation. Seconded by Steve Denoyer Jr. Questioned by Robert Becker. Vote: 16 for, 0 opposed, 0 not voting. MOTION CARRIED

Motion by Rodney Bordeaux to approve Resolution 2003-311 to submit a grant application for the Head Start Program and approval of a line of credit. Seconded by Rick Young. Questioned by Willard Henry. Vote: 16 for, 0 opposed, 0 not voting. MOTION CARRIED

Motion by Rodney Bordeaux to present Resolution 2003-312 as emergency legislation. Seconded by Steve Denoyer Jr. Questioned by Robert Becker. Vote: 16 for, 0 opposed, 0 not voting. MOTION CARRIED

Motion by Rodney Bordeaux to approve Resolution 2003-312 to apply for funding to assist Head Start Program with health and safety issues. Seconded by Jo Colombe. Questioned by Steve Denoyer Jr. Vote: 16 for, 0 opposed, 0 not voting. MOTION CARRIED

TRIBAL EMPLOYEE PAY ADVANCE RESOLUTION - Motion by Willard Henry to present Resolution 2003-313 as emergency legislation. Seconded by Russell Eagle Bear. Questioned by Darlene Metcalf. Vote: 08 for, 06 opposed, 02 not voting. MOTION CARRIED

The council discussed the resolution to approve a pay advance of \$150.00 for Tribal employees who are in need of funding due to the financial stress of the Holidays. Jim Wike reminded the council that there is a resolution that states that pay advances are to be given only for medical emergencies and death in the family. There is money that could be used as a loan from the PAID Program but would have to be paid in full from their next paycheck.

RSTC MEETING MINUTES
DECEMBER 30, 2003
PAGE 06

Motion by Steve Denoyer Jr. that the \$150.00 for the Tribal employees be loaned from the PAID Program. Seconded by Darrell Marcus. Questioned by Willard Henry. Vote: 16 for, 0 opposed, 01 not voting. MOTION CARRIED

TECRO – The council reviewed a document from the TECRO Office titled “Agreement On Indian Employment And Contracting Related Requirements For Highway Construction And Maintenance On The Rosebud Reservation”. The agreement is between the South Dakota Department of Transportation and the Rosebud Sioux Tribe. Both the SD Department of Transportation and the Tribe believe it is mutually beneficial to enter into this agreement for the improvement of state highway system that lies within the exterior boundaries of the Rosebud Reservation.

Attorney Steve Emery recommended changes to the agreement, one of which would be that “All highway construction and maintenance work performed by **full time, permanent** department **employees** are exempt from TECRO requirements” and to delete “business license code” in the last sentence in section 3.

Motion by Rick Young to recommend all the changes by the attorney Steve Emery and to temporarily assign Antelope Representative Jo Colombe (on the TECRO Commission) until Mr. Farmer returns. Seconded by Patsy Valandra. Questioned by Willard Henry. Vote: 14 for, 0 opposed, 03 not voting. MOTION CARRIED

BUDGET & FINANCE COMMITTEE – Motion by Ken LaDeaux to reconsider Resolution 2003-231. Seconded by Rodney Bordeaux. Questioned by Patsy Valandra. Vote: 14 for, 0 opposed, 03 not voting. MOTION CARRIED

Motion by Ken LaDeaux to approve Resolution 2003-231 which approves Judy Shapiro’s attorney contract as amended to increase the amount to \$60,000.00. Seconded by Patsy Valandra. Questioned by Darlene Metcalf. Vote: 14 for, 0 opposed, 03 not voting. MOTION CARRIED

MEETING DATES – Motion by Darrell Marcus to set the January meeting dates for January 21 & 22, 2003. Seconded by Patsy Valandra. Questioned by Steve Denoyer Jr. Vote: 16 for, 0 opposed, 01 not voting. MOTION CARRIED

TAMMI YOUNG’S GRIEVANCE – Tammi Young was given the floor to address the council about her being fired from her position as the Personnel Director. This issue was not a part of the agenda.

**RSTC MEETING MINUTES
DECEMBER 30, 2003
PAGE 07**

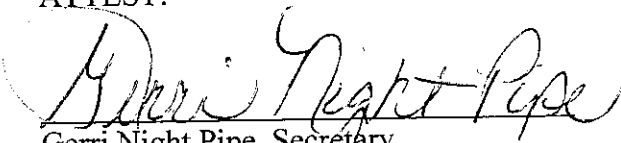
Motion by Steve Denoyer Jr. to give Tammi Young the floor. Seconded by Russell Eagle Bear. Questioned by Rick Young. Vote: 11 for, 01 opposed, 05 not voting. MOTION CARRIED

Tammi explained to the council that she was terminated per a council motion, she followed the grievance procedure and was given a hearing. The outcome of her grievance hearing with the RST Grievance Board was that she was to be reinstated to her job with back pay. Discussion followed.

Motion Russell Eagle Bear to reinstate Tammi Young to her position as the Personnel Director and that any back pay issue will be negotiated by the President. Seconded by Steve Denoyer Jr. Questioned by Steve Denoyer Jr. Vote: 09 for, 01 opposed, 06 not voting. MOTION CARRIED

ADJOURNMENT – Motion by Russell Eagle Bear to adjourn. Seconded by Rodney Bordeaux. Questioned by Darlene Metcalf. Vote: 12 for, 01 opposed, 03 not voting. MOTION CARRIED

ATTEST:


Gerri Night Pipe, Secretary
Rosebud Sioux Tribe

**ROSEBUD SIOUX TRIBAL COUNCIL
MEETING MINUTES
JANUARY 20, 2004**

Chairman Charles Colombe called the meeting to order at 10:14 a.m. Roll call was taken with thirteen (13) council representatives answering thereby constituting a quorum. They were as follows:

Eddie Farmer	Rick Young	Willard Henry
Patsy Valandra	Darlene Metcalf	Marion Young One Star
Robert Becker	Robert Shot	Rodney Bordeaux
Lenard Wright	Ken LaDeaux	Russell Eagle Bear
Glen Quick Bear		

Council representatives entering after roll call:

Heather Burnette	Wayne Boyd	Jo Colombe
Darrell Marcus	Cliff Chasing Hawk	

Council representatives who were absent:

Darrell Herman	Steve Denoyer Jr.
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Other officers present: Vice Chairman Norman Wilosn, Secretary Gerri Night Pipe, Treasurer James Wike and Sergeant At Arms Glen Yellow Eagle.

INVOCATION - Russell Eagle Bear gave the invocation.

AGENDA APPROVAL - Motion by Rodney Bordeaux to approve the agenda. Seconded by Patsy Valandra. Questioned by Rick Young. Vote: 13 for, 0 opposed, 02 not voting. MOTION CARRIED

CASINO REPORT - Acting General Manager Adrian Mirabueno gave the following report:

- Total revenue for the month was \$1,089,519.00 which is \$25K less than plan but it exceeded last year's revenue by more than \$72K. With aggressive cost controls, the profit for the month of \$441,862.00 exceeded plan by more than \$16K.
- After providing for equity reserves of \$33K and loan payments of \$174K to Wells Fargo, the net payment to the Tribe for the month was \$234,394.00. The payment was slightly less than plan, however total payments to the Tribe so far this fiscal year, is still \$200K ahead of plan.

RSTC MEETING MINUTES
JANUARY 20, 2004
PAGE 02

- The slots for the month at \$880K was about \$55K less than plan, other revenue streams did well, however; table games with revenue in excess of \$63K, which exceeded budget by more than \$9K. The restaurant also did well with total revenues of \$41.7K compared to budget of \$41.9K. The Bar with total revenues of \$17.7K was off budget by more than \$7K. Café sales of \$17.1K was also plan by more than \$2.2K. Overall these other revenue streams more than made up for the shortfall in slot revenues.
- The new slot accounting system is now operational, it went online as of December 16, 2003. With the new system, all slot meter readings which used to be done manually are now fully automated.
- We also installed a new Key Control System which automatically tracks all access to keys in use at the casino using finger print and personal identification number.
- We recently hired a network administer for the first time. Finding a qualified person willing to relocate to this area took several months. The new employees will start February 02, 2004. The employee will administer our slot accounting system and our two network systems, each separately running on Novell and Windows 2000.

ROSEBUD CASINO & QUALITY INN AUDIT - Tim Odell, representative from the auditing firm of Joseph Eve was given the floor to address the motel audit.

Motion by Eddie Farmer to approve the Financial Statements and Related Auditor's Report for the Rosebud Casino Quality Inn for the years ended September 30, 2003 and 2002. Seconded by Patsy Valandra. Questioned by Rick Young. Vote: 13 for, 0 opposed, 02 not voting. MOTION CARRIED

Mr. Odell went over their Rosebud Casino Quality Inn Report to Management and reportable conditions for the year ended September 30, 2003.

Tim Odell addressed the Rosebud Casino Financial Statements and Related Auditors Report.

RSTC MEETING MINUTES
JANUARY 20, 2004
PAGE 03

Motion by Jo Colombe to approve the Rosebud Casio Financial Statements and Related Auditors Report for the years ended September 30, 2003 and 2002. Seconded by Rodney Bordeaux. Questioned by Ken LaDeaux. Vote: 15 for, 0 opposed, 03 not voting. MOTION CARRIED

Mr. Odell went through the Rosebud Casino Report on Compliance with the National Indian Gaming Commission, 25 CFR, Part 542, Minimum Internal Control Standards and Report to Management for the year ended September 30, 2003.

Motion by Russell Eagle Bear to approve the Rosebud Casino Minimum Internal Controls and Report to Management. Seconded by Rodney Bordeaux. Questioned by Ken LaDeaux. Vote: 15 for, 0 opposed, 02 not voting. MOTION CARRIED

Chairman Colombe stated for the record that these reports will be sent to the National Indian Gaming Commission by the auditors.

LUNCH BREAK AT 12:22 P.M./BACK INTO SESSION AT 1:50 P.M.

Motion by Rodney Bordeaux to approve the Rosebud Casino Quality Inn Report to Management for the year ended September 30, 2003; and to ask the management to include their response to the findings in the audit. Seconded by Jo Colombe. Questioned by Robert Becker. Vote: 14 for, 0 opposed, 05 not voting. MOTION CARRIED

Wayne Boyd reported that Adrian Mirabueno came to the Budget & Finance Committee and requested the approval to purchase for the casino totaling \$230,292.00.

Motion by Wayne Boyd to authorize the expenditures for the casino at the recommendation of the Budget & Finance Committee. Seconded by Rodney Bordeaux. Questioned by Russell Eagle Bear. Vote: 15 for, 0 opposed, 04 not voting. MOTION CARRIED

Motion by Rodney Bordeaux that we authorize the casino management along with the administration and the Budget &

RSTC MEETING MINUTES
JANUARY 20, 2004
PAGE 04

Finance Committee to begin the process to incorporate the casino consistent with the RST Law & Order Code, Title 14, Chapter 04, Tribal Entities and to bring the total documents to the council for review and approval. Seconded by Russell Eagle Bear. Questioned by Ken LaDeaux. Vote: 16 for, 0 opposed, 03 not voting. MOTION CARRIED

Chairman Colombe presented a resolution and executive summary; and requested the Tribal Secretary to read the executive summary in regards to a proposed events center at the casino. After reading of the summary, the council discussed the events center, truck stop and other possible expansion at the casino.

Motion by Eddie Farmer to present Resolution 2004-01 as emergency legislation. Seconded by Jo Colombe.

Motion by Lenard Wright to table (04-01) and take it back to the communities. Seconded by Marion Young One Star. Vote: 05 for, 05 opposed, 09 not voting. Chairman Colombe broke the tied vote and voted opposed of the motion. MOTION DEFEATED

Willard Henry called for the question on the motion to present Resolution 2004-01 as emergency legislation. Vote: 13 for, 01 opposed, 05 not voting. MOTION CARRIED

HOTEL REPORT - Acting Hotel Manager Barbara Hammond gave the following report:

- The shotgun promotion was won by George Connley of Tampa, FL. We drew on December 29, 2003. The prize included a Remington 12-gauge shotgun, 2 nights lodging, free prime rib and a free guide. Approximately 400 guests registered for the drawing.
- We have had a good response from "Stay and Play" package for \$49.99.
- Our Valentine's promotion includes a double occupancy room, prime rib buffet, concert tickets for Colin Ray, champagne, flowers and a breakfast buffet for \$140.00. Guests would be able to stay the second night for \$49.99.

RSTC MEETING MINUTES
JANUARY 20, 2004
PAGE 05

- Out room revenue was \$38,786.49. Last year's December revenue was \$39,187.67. Our net loss was \$(25,237.58). December of 2003 net loss was \$(24,916.10).
- The occupancy rate for December of 2003 was 37%.

GENERAL MANAGER POSITION - Motion by Heather Burnette to advertise the Casino General Manager position. Seconded by Rodney Bordeaux. Vote: 16 for, 0 opposed, 03 not voting.
MOTION CARRIED

LAW ENFORCEMENT SERVICES/JDC - BIA Superintendent Joann Young introduced Richard Armstrong, Special Agent from Aberdeen. Mr. Armstrong introduced Bill McClure, Elmer Four Dance and Festus Fisher.

Bill McClure who oversees Detention for the BIA Central Office in Albuquerque, addressed the council on the Juvenile Detention Center facility. Their primary focus was to come here to see what has been done at the facility. He has been working with JDC Administrator Patricia Broken Leg Brill and did go out there and toured the facility. What they are looking for in those facilities is right here in Rosebud. They feel that Rosebud's facility is the best facility so far. Discussion with the council on the facility and the need for funding for operation and maintenance.

Richard Armstrong and Elmer Four Dance who are a part of the team that is doing the review at the police department. They aren't done with the review yet. They feel there was such an emotional concern from the community members that they don't want to leave without giving them all a chance to be heard.

Mr. Armstrong stated that there is no accountability in the CI Division. There is no oversight and managerial capability. All a lead CI can do is supervisory provision. There is a lack of case reports, narratives and synopsis of a case. They have case files missing and need accountability for the missing files.

RSTC MEETING MINUTES
JANUARY 20, 2004
PAGE 06

Lengthy discussion followed with the council and Tribal members on the problems at the police department, lack of funding, drug and violence problems in the communities and how to address them.

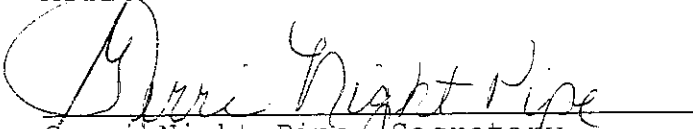
Motion by Russell Eagle Bear to direct our local law enforcement to prioritize the drug issue here on the Rosebud and to utilize with all other law enforcement agencies as deemed necessary. Seconded by Darlene Metcalf. Questioned by Ken LaDeaux. Vote: 15 for, 01 opposed, 03 not voting. MOTION CARRIED

Continued discussion on the drug problems and the dangers of the meth labs.

ADJOURNMENT - Motion by Robert Becker to adjourn the meeting. Seconded by Patsy Valandra. Vote: 14 for, 01 opposed, 04 not voting. MOTION CARRIED

Chairman Colombe adjourned the meeting at 5:50 p.m.

ATTEST:


Gerri Night Pipe, Secretary
Rosebud Sioux Tribe